

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

☒ Providence/Bristol County  
Licht Judicial Complex  
250 Benefit Street  
Providence, Rhode Island 02903

☐ Newport County  
Murray Judicial Complex  
45 Washington Square  
Newport, Rhode Island 02840

☐ Kent County  
Noel Judicial Complex  
222 Quaker Lane  
Warwick, Rhode Island 02886

☐ Washington County  
McGrath Judicial Complex  
4800 Tower Hill Road  
Wakefield, Rhode Island 02879

GAIL WASHINGTON, as Administratrix of the  
**Plaintiff** ESTATE OF JOANNA GIULIA WASHINGTON

Civil Action, File Number  
PC13-2214

v.

LIFE CARE CENTERS OF AMERICA, INC. D/B/A  
**Defendant** EVERGREEN HOUSE HEALTH CENTER

**SUMMONS**

*To the above-named Defendant: Agent for Service: Corporation Service Co., 222 Jefferson Blvd.  
Warwick, RI 02888*

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon Jeffrey D. Sowa, the Plaintiff's attorney, whose address is LaPlante Sowa Goldman, 67 Cedar Street, Providence, RI 02903 an answer to the complaint which is herewith served upon you within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

Clerk

Dated: May 13, 2013

(Seal of the Superior Court)

Superior-I (revised October 2012)

A true copy attest

# 110  
Date 5/15/13

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

GAIL WASHINGTON, as Administratrix of the  
Plaintiff ESTATE OF JOANNA GIULIA WASHINGTON

Civil Action, File Number

v.

LIFE CARE CENTERS OF AMERICA, INC. D/B/A  
Defendant EVERGREEN HOUSE HEALTH CENTER  
Jeffrey D. Sowa, Esquire  
Attorney for the Plaintiff

**SUMMONS**

NOTE: Returnable to the Plaintiff's Attorney forthwith after service. Proof of service to be filed within time during which the person served must respond.

State of Rhode Island and Providence Plantations

\_\_\_\_\_, SC

**PROOF OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ I served a copy of this  
summons and a copy of the complaint received therewith upon  
\_\_\_\_\_ in the  
following manner:

☐ By delivering a copy of the summons and complaint to him or her personally.

☐ By leaving a copy of the summons and complaint at his or her dwelling house,

\_\_\_\_\_  
(Address)

with a person of suitable age and discretion then residing therein.

☐ By leaving a copy of the summons and complaint at his or her usual place of abode,  
\_\_\_\_\_, with a person of  
suitable age and discretion then residing therein.

☐ By leaving a copy of the summons and complaint to an agent authorized by appointment or by law to receive  
service of process, namely \_\_\_\_\_, such agent being one  
designated by statute to receive service, further notice as the statute requires was given as  
follow: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sheriff's Fees

Travel \_\_\_\_\_ \$ \_\_\_\_\_

Service \_\_\_\_\_ \$ \_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

GAIL WASHINGTON, as Administratrix :  
of the ESTATE OF JOANNA GIULIA :  
WASHINGTON, :  
Plaintiff, :

vs. :

C.A. No.: PC13-2214

LIFE CARE CENTERS OF AMERICA, :  
INC. D/B/A EVERGREEN HOUSE :  
HEALTH CENTER, :  
Defendant, :

### COMPLAINT

#### Parties and Jurisdiction

1. Plaintiff Gail Washington ("Plaintiff") is a resident of the Town of North Providence, State of Rhode Island, and is a surviving daughter of Plaintiff's decedent, Joanna Giulia Washington ("Joanna Washington"), who died on October 1, 2010.

2. At all material times, Joanna Washington was a resident/patient at Evergreen House Health Center, 1 Evergreen Drive, City of East Providence, State of Rhode Island.

3. Plaintiff is the duly appointed Administratrix of the Estate of Joanna Giulia Washington and brings this civil action pursuant to R.I.G.L. §9-1-6 and §9-1-7.

4. Upon information and belief, Defendant Life Care Centers of America, Inc. d/b/a Evergreen House Health Center ("Defendant") is a business incorporated in the State of Tennessee conducting business in the State of Rhode Island and thereby subject to jurisdiction of this Court.

5. The amount in controversy is sufficient to establish the jurisdiction of this Court.

Facts

6. At all relevant times, Defendant and/or its employees and/or agents owned and/or operated a nursing home at 1 Evergreen Drive, City of East Providence, State of Rhode Island (the "Property"), wherein Joanna Washington resided.

7. At all relevant times, Joanna Washington was a resident/patient at Defendant's facility, and Defendant and/or its agents and/or employees were responsible for her care.

8. At all relevant times, Joanna Washington was in the exercise of reasonable care for her own safety and for the safety of others.

9. On or about August 1, 2010, and while in the care, custody and/or control of Defendant and/or its agents, Joanna Washington was given a scalding hot cup of coffee for consumption by Defendant and/or its agents, which led to severe burns to Joanna Washington's person.

COUNT I - NEGLIGENCE

10. Plaintiff repeats and realleges each and every allegation contained herein as if fully set forth herein.

11. Defendant, its agents, representatives, and/or employees, owed a legal duty to act in a reasonably safe manner while providing care to its patients and/or residents, including Joanna Washington.

12. Defendant, its agents, representatives, and/or employees, breached said duty to Joanna Washington by, among other acts and/or omissions, providing a scalding hot cup of coffee to her and/or failing to properly warn or assist her in the consumption of the same.

13. As a direct and proximate result of the negligence of Defendant, its agents, representatives, and/or employees, Joanna Washington was severely injured.

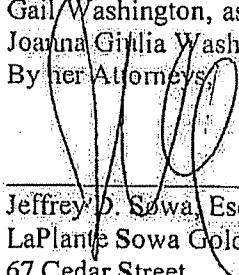
WHEREFORE, Plaintiff, Gail Washington, requests the following relief:

1. Enter judgment against Defendant, Life Care Centers of America, Inc. d/b/a Evergreen House Health Center, individually;
2. Award damages to Plaintiff for an amount necessary to invoke the jurisdiction of this Honorable Court;
3. Award Plaintiff interest, costs and expenses; and
4. Award such other relief as this Honorable Court deems just and appropriate.

**JURY CLAIM**

**PLAINTIFF HEREBY DEMANDS A JURY TRIAL AS TO ALL TRIABLE ISSUES OF RIGHT.**

Plaintiff,  
Gail Washington, as Administratrix of the Estate of  
Joanna Gillia Washington  
By her Attorneys,

  
\_\_\_\_\_  
Jeffrey D. Sowa, Esq./#5764  
LaPlante Sowa Goldman  
67 Cedar Street  
Providence, RI 02903  
TEL: (401) 273-0200  
FAX: (401) 273-0250  
EMAIL: [jsowa@lsglaw.com](mailto:jsowa@lsglaw.com)

Date: 5/9/13